

Office of Professional Accountability (OPA) Commendations & Complaints Report September 2005

Commendations:

Commendation Received in September: 66

Commendations Received to Date: 316

Name	Summary
Allen Jr, Erik	A thank you note was received for officer's professionalism and assistance during the National Conference of State Legislatures.
Allers, Charles	An extended thanks to the Harbor officers for their enthusiasm and dedication.
Alphin, Michael	A letter of appreciation for promoting child safety and injury prevention
Alstrin, Kurt	SPD Bicycle Patrol for improving the business environment
Arbogast, Autumn	Officer took a positive measure to rectify a driving issue before it got out of hand
Byers, Thomas	A letter of appreciation for promoting child safety and injury prevention
Clark, Stephen	Vehicles equipped with silent alarms were tracked and recovered within minutes of activation
Daylong, Eric	SPD Bicycle Patrol for improving the business environment
Dermody, James	A thank you note was received for officer's professionalism and assistance during the National Conference of State Legislatures.
Doucett, David	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
Eads, Richard	An extended thanks to the Harbor officers for their enthusiasm and dedication.
Eagle, Louis	<i>SPD Bicycle Patrol for improving the business environment A thank you note was received for officer's professionalism and assistance during the National Conference of State Legislatures.</i>
Emerick, Jon	Commending officers for their actions on a identity theft case and the assistance in how to safeguard your credit and identity
Eng, Tony	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
Fish, Duane	A thank you was received by the detective for his help, dedication and commitment in handling a car accident.
Gagliardi, George	An electronic correspondence conveyed appreciation of an officer's treatment of a citizen. He was very compassionate and helpful.
Gillette, Lonnie	Found wallet
Gonzalez, Michael	A special thanks and a letter commending officers were received for an auto theft and recovery investigation. They were professional, cooperative and supportive
Granard, Cynthia	A letter of appreciation for promoting child safety and injury prevention
Grossman, Kevin	A note of gratitude was expressed for a detective's outstanding presentation regarding Elder Sexual Assaults. They were articulate and knowledgeable in their presentation
Harris, Douglas	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
Havenar, Tim	A special thanks and a letter commending officers were received for an auto theft and recovery investigation. They were professional, cooperative and supportive
Hendrix, Duane	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
James, Brandon	Police Explorers assisting with a training scenario
Johnson, Dennis	A note of thanks was received by officer for his quick response and professional handling of an individual's family situation

Kennedy, Bryan	Vehicles equipped with silent alarms were tracked and recovered within minutes of activation
Kerns, Glenn	A letter of commendation was received by Detective Kerns for his exceptional efforts as a member of the Puget Sound Joint Terrorism Task Force. The success achieved on this task force was due in large to his diligent efforts and keen investigative abilities
Koutsky, James	A letter of appreciation for promoting child safety and injury prevention
Ku, David	Vehicles equipped with silent alarms were tracked and recovered within minutes of activation
Leavell, Ronald	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
	A thank you note was received for officer's professionalism and assistance during the National Conference of State Legislatures
Long, Darren	Vehicles equipped with silent alarms were tracked and recovered within minutes of activation
Mahar, Joseph	A special thanks and a letter commending officers were received for an auto theft and recovery investigation. They were professional, cooperative and supportive.
Marks, Andrew	A note of gratitude was received for the manner in which the officer responded to a 911 call of a drowning victim. He was professional and compassionate.
Mazziotti, Ronald	A letter of thanks was received for the officer's outstanding service to a domestic violence victim.
McDonagh, Paul	A thank you note was received for officer's professionalism and assistance during the National Conference of State Legislatures
Meyers, April	Officer's well addressed speech to a church congregation about public safety and community involvement
Moss, Monty	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
Nelson, Richard	A letter of thanks was received by officers for their thorough investigation and well-written report on a minor who was seriously injured in a fall after consuming alcohol at a fraternity house. The officer's gathered information and additional written statements which will allow a follow-up with possible criminal charges to the adult who furnished alcohol to the minor
Odonnell, Richard	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
Oneill, Kevin	A letter of commendation was received by an officer for his commitment to the 'Race Against Drugs' program. His commitment to public service and children is well recognized.
Parker, Sylvia	A letter of appreciation for promoting child safety and injury prevention
Paulsen, Steven	A commendation was received for the dedication and professionalism shown by Lt. Paulsen while providing a safe environment to protectees. He has worked tirelessly to further the strong working relationship between SPD and the US Secret Service.
Poort, Leo	A thank you letter was received for arranging a ride-along allowing the citizen to experience officers on patrol and the day to day functions and operations of a local law enforcement agency.
Renihan, Timothy	A thank you note was received for officer's professionalism and assistance during the National Conference of State Legislatures.
Sampson, Charles	A letter was received praising the work of CSO Sampson for his assistance in finding a teenage daughter.
Smith, John	Vehicles equipped with silent alarms were tracked and recovered within minutes of activation
Solomon, Mark	A letter of appreciation for promoting child safety and injury prevention
Stangeland,	A note of gratitude was expressed for a detective's outstanding presentation

Donna	regarding Elder Sexual Assaults. They were articulate and knowledgeable in their presentation
Stokke, Daniel	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
Sugai, Darin	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
Stolt, Jason	Commending officers for their actions on a identity theft case and the assistance in how to safeguard your credit and identity
Tietje, Grant	A thank you note was received for officer's professionalism and assistance during the National Conference of State Legislatures.
Tovar, Juan	SPD Bicycle Patrol for improving the business environment
Traverso, Heidi	Commending officers for their actions on a identity theft case and the assistance in how to safeguard your credit and identity
	Commending officers for their actions on a identity theft case and the assistance in how to safeguard your credit and identity
	A letter of appreciation for the assistance in an investigation of a major identity theft ring operating in the Western District of Washington
	A letter was received commending detective for her presentation on identity theft and the resources that are available in the community.
	A letter was received commending a detective for her presentation on identity theft. She provided excellent information to the participants and increased their awareness and education about a vital topic.
Vaca, Raul	A letter of thanks was received by officers for their thorough investigation and well-written report on a minor who was seriously injured in a fall after consuming alcohol at a fraternity house. The officer's gathered information and additional written statements which will allow a follow-up with possible criminal charges to the adult who furnished alcohol to the minor.
Vandergiesen, Douglas	A thank you letter was received for the ride-along on officers patrol beat and the day to day functions and operations of a local law enforcement agency.
Warner, Alfred	A note of thanks was received for the officers professionalism during a radio call. He had a calming affect on a family during a trying time.
	A thank you note was received by an officer for his presence at a Seattle condo at the time of a family death. His kindness and gentle heart made the process much easier.
White, David	A special thanks and a letter commending officers were received for an auto theft and recovery investigation. They were professional, cooperative and supportive.
Whitlock II, Roger	A special thanks and a letter commending officers were received for an auto theft and recovery investigation. They were professional, cooperative and supportive.
Ziemer, Joshua	An e-mail was received commending the officer for his assistance in recovering a stolen vehicle.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

September 2005 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that the named employee used unnecessary force during a contact with him at Qwest Field during a Seahawks game.	The incident occurred during a football game. The complainant was intoxicated, and became involved in a fight with other fans. The named employee responded to the fight, and the evidence from officers and other witnesses credibility established that the complainant pushed the named employee, then had other officers take him away so he could continue to deal with the fight disturbance. The named employee was not involved in the subsequent handcuffing of the complainant. Finding–EXONERATED.
The complainant alleged that, while he was stopped in heavy traffic on his motorcycle, the named employee struck him on his upper arm, tried to pull him off his motorcycle, and hit the front tire of his motorcycle. The complainant also alleged the named employee yelled profanity at him during the encounter.	The facts gathered in the investigation did not support the allegations. The named employee and witnesses state that the named employee tried to contact the complainant about the noise disturbance caused by the repeated, intentional revving of his motorcycle, but could not be heard by the complainant. The named employee then entered the street to contact the complainant, tapped his front tire with his baton to get his attention, and also grabbed the complainant's arm to let him know he wasn't free to go until the noise violation had been discussed. This touch was not force. Finding UNNECESSARY FORCE –EXONERATED. The witnesses did not support the use of profanity allegation. Finding CUBO–UNFOUNDED.
The complainant alleged the named officer grabbed her son's arm, pulled it behind his back, and then slammed his head on a patrol car.	The evidence does not support the allegations. Three months after the event, the subject's mother made allegations based on what her son told her. The officer and acting sergeant state that the only contact was when they had the subject place his hands on the car for a pat down. A school administrator witnessed the entire incident and said there was no force used, nor did the subject ever complain to him about any force. Finding–ADMINISTRATIVELY UNFOUNDED.
The complainant alleged that unknown SPD officers used unnecessary force when they arrested him, resulting in injury.	The complainant was intoxicated, abusive, and combative when officers contacted him at the scene of a party that turned into a house ransacking. Officers contacted the complainant when he was pointed out as someone who had taken property from the house. Three officers, two sergeants, and two civilian witnesses all state that while standing at the back of the patrol car, the complainant reared back and deliberately smashed his face into the trunk of the patrol car. The complainant failed to cooperate in the investigation. Finding–ADMINISTRATIVELY UNFOUNDED.
Complainant alleged that while the named employee was breaking up a dance between her 13 year old daughter and a boy,	The named employee was working an authorized off-duty event. She escorted the subject's daughter away from the dance floor for prohibited conduct while dancing. An independent witness described the contact as an escort hold on the subject's arm. The complainant and the subject did

the named officer used unnecessary force in that she grabbed the girl's hand and twisted her arm behind her back.	not cooperate with the investigation. Finding–ADMINISTRATIVELY EXONERATED.
The complainant alleged that an unknown officer, while assisting security at a local hospital, used excessive force.	The complainant is an admitted drug user with mental problems who went to the hospital following a drug episode. There are no records to support any contact between the complainant and SPD. The hospital states that they have handled the complainant before, but not during the time frame in question. In addition, the hospital would call the agency within its jurisdiction to assist, not SPD. The complainant failed to cooperate further after his initial complaint. There is no evidence to support the allegations. Finding–ADMINISTRATIVELY UNFOUNDED.
Complainant alleged that officers used unnecessary force when taking him into custody after a foot pursuit.	No misconduct was found. Force used was found to be appropriate and consistent with department policy. Finding–EXONERATED
Allegation stated that excessive force was used during an arrest at a disturbance call.	Three witness officers were on-scene and all noted that no force was used; all categorized the incident as “non-eventful.” The arrest was screened and there was no evidence to support any force and the individual arrested made no report of force during the screening. The complainant was not credible. However, the named employee failed to adequately document the incident and arrest. This was determined to be a training issue rather than a misconduct issue. Finding–SUPERVISORY INTERVENTION
It was alleged that the officer punched the subject for no apparent reason during booking and then refused to provide his identity when asked.	<p>The investigation determined that the complainant was very intoxicated at the time of his arrest and his version of the events is inconsistent with testimony of multiple witnesses and other employees. Officers did acknowledge pushing the complainant back from “personal space” and this was witnessed and documented. Finding FORCE–EXONERATED</p> <p>There was no evidence to indicate that the subject was concerned as to the officer's name. The subject's motivation and recollection of the incident further detracted from his credibility. Finding FAILURE TO ID–UNFOUNDED</p>
The complaint alleged that officers had used unnecessary force when they hit his head against the wall, resulting in a concussion, while carrying him to a patrol car. The complaint continued with a second allegation of force on an earlier date, which complained about having been “bashed” on a patrol car during a theft investigation.	The involved officers, witness officers and independent witnesses all provided testimony that contradicted the complaint. The testimony and supporting medical records indicated that no force occurred during either of the contacts in question. Finding–UNFOUNDED

<p>The complainant alleged that an officer had grabbed her during a stop resulting in bruising to her arms.</p>	<p>The evidence and supporting testimony by uninvolved third parties clearly indicated that the force used was justified and appropriate for the incident. There were, however, issues with the manner in which the subject was described to witnesses and her subsequent release from custody. These issues did not amount to issues of misconduct but it was determined to handle them through additional training. Finding–SUPERVISORY INTERVENTION</p>
<p>Three individuals submitted a complaint that alleged that unnecessary force was used during their arrest.</p>	<p>All evidence in the case indicated that the named employees used necessary and appropriate force to control combative and aggressive individuals being arrested. The employees' actions were documented and consistent with witness testimony. One of the complainants requested that the original complaint not be pursued. The preponderance of the evidence did not support the allegations. Finding–EXONERATED.</p>

IMPROPER SEARCH

Synopsis	Action Taken
<p>It was alleged that the named employees conducted an improper search of a hotel room and its occupants.</p>	<p>The evidence indicates that the named employees stopped subjects in a vehicle that appears to have matched the description of a vehicle involved in a criminal incident. The evidence showed that the officers conducted a search of their car, and a search of the hotel room the subjects were staying in. There is conflicting information about whether consent was obtained for these searches, and the allegation could not be proved or disproved. Finding–NOT SUSTAINED. In addition, training on search and seizure will be provided to the officers.</p>

VIOLATION OF LAW

Synopsis	Action Taken
<p>The complainant alleged that he was struck by a patrol car, and that the officer driving the patrol car left the scene of the accident without identifying him or herself or checking on the complainant's welfare.</p>	<p>The complainant, who had been drinking, gave inconsistent, illogical, and contradictory reports of the collision. He was not able to give any description of the car, nor could he give the race, sex, age, height, or weight of the driver. One officer was close to the scene on the night complainant describes, and reports seeing an intoxicated male bump into a car parked in an alleyway. There is no credibility to the complainant. Finding–ADMINISTRATIVELY UNFOUNDED.</p>

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
<p>Complainant alleged the named employee was disrespectful and unprofessional in a contact on the street.</p>	<p>The named employee contacted the complainant in an area known for high narcotics trafficking. The officer asked for identification, asked the complainant to remove his hands from his pockets, then grabbed the complainant's wrist when the complainant reached into his inside coat pocket for a pen. The evidence showed that the employee did not use force, but that the employee could have handled the verbal exchange more professionally, courteously explaining the basis of his actions. Finding CUBO–SUPERVISORY INTERVENTION</p>

<p>Complainant alleges an unknown employee who was directing traffic yelled at him when he misunderstood directions.</p>	<p>The complainant was not sure if the employee was an officer or a Parking Enforcement officer. The description he provided did not match that of any of the female employees on the roster for that event. The event ended significantly earlier than the complainant described. The complainant is no longer available to clarify discrepancies. There is not enough evidence to indicate misconduct on the part of any SPD employee. Finding–UNFOUNDED.</p>
<p>Complaint alleged that the employee was rude and used profanity. It further, stated that the officer refused to identify himself when asked.</p>	<p>The investigation was inconclusive and there was insufficient evidence to either prove or disprove the allegations. No independent witnesses were available and the testimony of the involved parties was inconsistent. Finding CUBO–NOT SUSTAINED. Finding FAILURE TO ID–NOT SUSTAINED.</p>

FAILURE TO TAKE APPROPRIATE ACTION

Synopsis	Action Taken
<p>It is alleged that the named employee witnessed a domestic violence crime, while off-duty, and failed to report the crime to the police.</p>	<p>The named employee witnessed a domestic violence crime between members of his extended family. The named employee intervened and advised the victim to call and report the crime to the police. The named employee contacted SPD's Domestic Violence for additional resources for the victim, which triggered the OPA investigation. The named employee has received training that clarifies his duty to report and take action dictated by law. Finding–SUPERVISORY INTERVENTION</p>

September 2005 Cases Selected for Mediation:

Cases described below were referred for mediation.

The complainant alleged that after he contacted the named employee and pointed out a traffic violation the officer was committing, the officer became annoyed and retaliated by saying he would be mailing him a citation for standing in the street.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

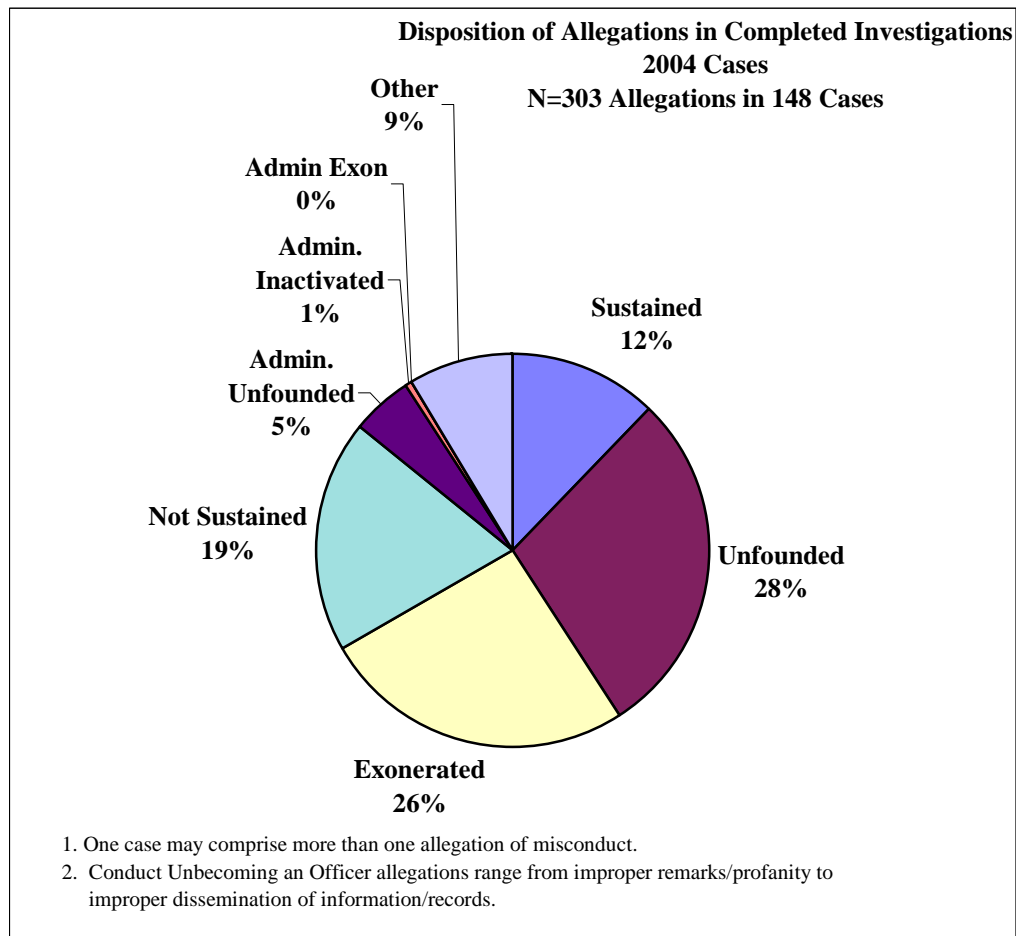
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	20	148*
Commendations	41	702

*includes 2004 cases closed in 2005



2005 Contacts

	Sept 2005	Jan-Dec 2005
Preliminary Investigation Reports	13	232
Cases Assigned for Supervisory Review	6	58
Cases Assigned for Investigation (IS;LI)	25	183
Commendations	66	316